

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

MICHELA MORELLATO BLOSFIELD

v.

CHRISTINE WORMUTH *et al.*

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Case No. 3:24-cv-01331

TO: Honorable Aleta A. Trauger, United States District Judge

REPORT AND RECOMENDATION

By Order entered January 28, 2025 (Docket Entry No. 5), this *pro se* case was referred to the Magistrate Judge for pretrial proceedings.

On November 7, 2024, Michela Mortellato Blosfield (“Plaintiff”) filed this *pro se* civil rights complaint against the then current and the former Secretary and the then current and former Inspector General of the U.S. Army. Complaint (Docket Entry No. 1). Plaintiff paid the civil filing fee and summons were issued on November 8, 2024. (Docket Entry No. 4.) Plaintiff was notified in the referral order that she was responsible for effecting timely service of process upon Defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure. She was again reminded of this responsibility in an Order entered February 4, 2025 (Docket Entry No. 6), and was specifically cautioned that failure to properly serve Defendants could result in dismissal of this case. The docket does not reflect that any Defendant has been served with process or that Plaintiff has taken any action in the case since filing her complaint.

Rule 4(c)(1) states that “[t]he plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m).” Rule 4(m) provides that:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without

prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Because Plaintiff has not served process upon Defendants within the time period required by Rule 4(m), dismissal of this action is required. Although Plaintiff is proceeding *pro se*, she must still comply with the basic procedural rules applicable to all litigants. *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991); *Aug. v. Caruso*, 2015 WL 1299888, *6 (E.D. Mich. Mar. 23, 2015) (“*pro se* parties must follow the same rules of procedure that govern other litigants”).

Furthermore, Local Rule 41.01(a) states that “[c]ivil suits that have been pending for an unreasonable period of time without any action having been taken by any party may be summarily dismissed.” Plaintiff has taken no steps to prosecute this case since filing the complaint in November 2024.

RECOMMENDATION¹


For the reasons set out above, it is respectfully **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** in accordance with Fed. R. Civ. P. 4(m) and Local Rule 41.01(a).

ANY OBJECTIONS to this Report and Recommendation must be filed within fourteen (14) days of service of this Report and Recommendation and must state with particularity the specific portions of this Report and Recommendation to which objection is made. *See* Rule 72(b)(2) of the Federal Rules of Civil Procedure and Local Rule 72.02(a). Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District

¹ This Report and Recommendation provides notice to Plaintiff of the Court’s intention to *sua sponte* dismiss the action, and the fourteen day period for filing objections provides her with the opportunity to show good cause why the action should not be dismissed.

Court's Order regarding the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Any response to the objections must be filed within fourteen (14) days after service of objections. *See* Federal Rule 72(b)(2) and Local Rule 72.02(b).

Respectfully submitted,



BARBARA D. HOLMES
United States Magistrate Judge